

Jones, A.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KANYE WEST and MASCOTTE HOLDINGS, INC.,

Plaintiffs,

- against -

DAVID P. McENERY, JR., ROBBIE E. C. A.
HONTELE, HARRY WILLS, AL RA, JOHN DOES 1
through 50, IAIN CRAIG, 0DAYCOINS.COM, DAVE
AND LOUIS d/b/a POOL.COINYE.PW, ALEX
CACCIAMANI, RICHARD McCORD, PATRICK
AUSTIN, MARTIN GASNER, XNIGMA.COM,
BEEDUI, INC., and JANE DOES 1 through 50,

Defendants.

Civil Action No. 14 CV 250

**JUDGMENT AND PERMANENT
INJUNCTION ON CONSENT
AGAINST DEFENDANT
RICHARD McCORD**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/23/14

Plaintiffs Kanye West and Mascotte Holdings, Inc. (collectively, "Mr. West" or "Plaintiffs") having filed their Amended Complaint on March 3, 2014 (the "Amended Complaint"), and Defendant Richard McCord ("Defendant") having consented, without trial or adjudication of any issue of law or fact herein, to entry of this Order of Judgment and Permanent Injunction on Consent and Stipulation of Dismissal (hereafter "Order"), it is hereby

ORDERED, ADJUDGED and DECREED that:

1. This Court has jurisdiction of the subject matter hereof and all parties hereto with the full power to enter this Order. The Amended Complaint alleges causes of action against Defendant for federal trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), federal dilution in violation of Section 43(c) of the Lanham Act, 15 § 1125(c), federal unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), cybersquatting in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d),

violation of right of publicity under New York Civil Rights Law § 51 and violations of New York statutory and common law.

Defendant's entry into this consent does not constitute any admission of liability or wrongdoing. Defendant contends that his actions were protected by the First Amendment to the United States Constitution, as he was engaged in a parody of the supporters of the "Coinye" cryptocurrency.

1. Defendant, his related companies, subsidiaries, affiliates, officers, partners, managers, directors, shareholders, insurers, trustees, agents, servants, employees, representatives, attorneys, legal representatives and all other persons or entities acting in concert or participation with him, and any and all licensees, successors in interest or assigns are hereby permanently enjoined from:

(A) registering, operating or maintaining any website, blog, or Internet domain name or domain that uses the KANYE WEST mark, COINYE WEST mark, COINYE mark, COYE mark, or any colorable imitation of the marks KANYE WEST or KANYE;

(B) registering, operating and maintaining an alt coin digital currency or cryptocurrency website, network or exchange that engages in the operation, exchange, sale, mining, transfer, purchase, storage or other use in commerce of an alt coin digital currency or cryptocurrency that uses the KANYE WEST mark, COINYE WEST mark, COINYE mark, COYE mark, or any colorable imitation of the marks KANYE WEST or KANYE;

(C) engaging in the operation, exchange, sale, mining, transfer, purchase, storage or other use in commerce of an alt coin digital currency or cryptocurrency bearing any photographs or the name or likeness of Mr. West in any manner that is likely to cause confusion, mistake or to deceive the public into believing that the operation, exchange, sale, mining, transfer,

purchase, storage or other use in commerce of the alt coin digital currency or cryptocurrency by Defendant originated with Mr. West or that there is any affiliation or connection between Plaintiffs and the operation, exchange, sale, mining, transfer, purchase, storage or other use in commerce of an alt coin digital or cryptocurrency by Defendant, and from otherwise competing unfairly with Plaintiffs;

(D) assisting, aiding or abetting any other person or entity in the operation, exchange, sale, mining, transfer, purchase, storage or other use in commerce of an alt coin digital currency or cryptocurrency bearing COINYE WEST, COINYE or COYE as a trade name, trademark, brand name, as an Internet domain name, as a digital currency name, as a cryptocurrency, as an alt coin name, or in any other source-identifying manner;

(E) using the KANYE WEST mark, or any other mark confusingly similar to the KANYE WEST mark in commerce, including, but not limited to, the COINYE WEST, COINYE and COYE marks;

(F) using any mark in commerce in a manner so as to cause the dilution of the distinctive KANYE WEST mark, including, but not limited to, by using the designations COINYE WEST, COINYE or COYE;

(G) using any photographs, videos or the name or likeness of Mr. West in commerce in any manner that is likely to cause confusion, mistake or to deceive the public into believing that any websites or domains registered by Defendant originate with Plaintiffs or that there is any affiliation or connection between Plaintiffs and the websites, and from otherwise competing unfairly with Plaintiffs; and

(H) representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive the public into

believing that any goods or services, or website or domain registered by Defendant originate with Plaintiffs or that there is any affiliation or connection between Plaintiffs and the websites, and from otherwise competing unfairly with Plaintiffs in commerce.

2. If either party moves to enforce this Order, either party shall be entitled to (a) pursue any and all remedies available to it for such violation, including, but not limited to, seeking an order finding the opposing party in contempt of the Order, and (b) prevailing party shall be entitled to an award of damages, attorneys' fees and costs incurred.

3. Plaintiffs' Amended Complaint is dismissed with prejudice as against only Defendant Richard McCord.

4. Each person executing this Order on behalf of a corporation or individual represents that he or she is authorized to do so.


5. This Court shall retain jurisdiction over this action to enable the parties to make application to this Court for such further orders and directions as may be necessary or appropriate in relation to the carrying out of this Order.

6. This Order shall become effective immediately. The Clerk is directed to enter this Judgment and Permanent Injunction on Consent Against Defendant Richard McCord.

We hereby consent to the form and entry of the foregoing Order.

Dated: 7/4/2014

KANYE WEST

By: 
Kanye West

Dated: _____

MASCOTTE HOLDINGS, INC.

By: _____
Name: _____
Title: _____

Dated: 5/6/2014

RICHARD McCORD

By: 
Richard McCord

SO ORDERED:

Dated: _____

Honorable Analisa Torres
United States District Judge

We hereby consent to the form and entry of the foregoing Order.


Dated: _____

KANYE WEST

By: _____
Kanye West

Dated: 7/18/14

MASCOTTE HOLDINGS, INC.

By: 
Name: Evan Jehle
Title: CFO


Dated: _____

RICHARD McCORD

By: _____
Richard McCord

SO ORDERED:

Dated: July 23, 2014
New York, NY


ANALISA TORRES
United States District Judge *cmc*